

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CITY OF MIDDLETOWN, MARLINDA  
DUNCANSON,  
INDIVIDUALLY AND IN HER OFFICIAL  
CAPACITY

AS MAYOR OF THE CITY OF MIDDLETOWN,

ROBERT MOSON, IN HIS OFFICIAL CAPACITY  
AS PRESIDENT OF THE COMMON COUNCIL OF  
THE CITY OF MIDDLETOWN, MAXINE MEYER,

INDIVIDUALLY AND IN HER OFFICIAL  
CAPACITY

AS A MEMBER OF THE COMMON COUNCIL OF  
THE

CITY OF MIDDLETOWN, JAMES ROLLINS,  
INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY  
AS A MEMBER OF THE COMMON COUNCIL OF  
THE

CITY OF MIDDLETOWN, THOMAS J. BURR, IN  
HIS

OFFICIAL CAPACITY AS A MEMBER OF THE  
COMMON COUNCIL OF THE CITY OF  
MIDDLETOWN,

JOHN VANDERVOORT, IN HIS OFFICIAL  
CAPACITY

AS A MEMBER OF THE COMMON COUNCIL OF  
THE CITY OF MIDDLETOWN, GERALD KLEINER,  
IN HIS

OFFICIAL CAPACITY AS A MEMBER OF THE  
COMMON COUNCIL OF THE CITY OF  
MIDDLETOWN, RAYMOND DEPEW, IN HIS  
OFFICIAL CAPACITY AS A MEMBER OF THE  
COMMON COUNCIL OF THE CITY OF  
MIDDLETOWN, AND JOEL SIERRA, IN HIS  
OFFICIAL CAPACITY AS A MEMBER OF THE  
COMMON COUNCIL OF THE CITY OF  
MIDDLETOWN,

Petitioners,

-against-

PENCOR-MASADA OXYNOL, LLC,

Respondent.

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07 CV 6572 (CLB)

State Court Index No.: 2007/6035

**NOTICE OF FILING OF**  
**NOTICE OF REMOVAL**

**NOTICE OF FILING OF NOTICE OF REMOVAL**

TO: Petitioners

PENCOR-MASADA OXYNOL, LLC, by and through its attorney of record, as set forth hereinbelow:

PLEASE TAKE NOTICE that on the 23<sup>rd</sup> day of July, 2007, PENCOR-MASADA OXYNOL, LLC, respondent in the above-entitled action, filed a notice of removal, a true copy of which is attached hereto, for the removal of the above-entitled action from the Supreme Court of the State of New York, County of Orange, bearing index number 2007/6035 therein, to the United States District Court for the Southern District of New York.

You are also advised that respondent PENCOR-MASADA OXYNOL, LLC, on filing such notice of removal in the Office of the Clerk of the United States District Court for the Southern District of New York, is filing a copy thereof with the Clerk of the Supreme Court of the State of New York, County of Orange, to effect such removal pursuant to 28 U.S.C. §1446(d).

Dated: Newburgh, New York  
July 23, 2007

Respectfully Submitted,

By: /s/  
NICHOLAS A. PASCALE (NP-5766)  
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MAHON & MILLIGRAM, PLLC  
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TO: BEVERIDGE & DIAMOND, P.C.  
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